

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: August 16, 2006

Division: Growth Management

Bulk Item: Yes      No X

Department: Planning and Env. Resources

Staff Contact Person: Heather Beckmann

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**AGENDA ITEM WORDING:** A public hearing to consider a request for Administrative Relief for Edward Arduino, Lot 2, Stillwright Point, Plat #1, Key Largo, Real Estate Number 00514350.000000.

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**ITEM BACKGROUND:** A building permit was applied for on March 12, 2002 and a ROGO application was applied for on April 15, 2002. The applicant applied for administrative relief on August 11, 2005 and is within the allowable time frame to be eligible for administrative relief under Section 9.5-122.2(f) of the Monroe County Code.

Staff recommends that administrative relief be granted in the form of one (1) dwelling unit allocation award.

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**PREVIOUS RELEVANT BOCC ACTION:** N/A

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**CONTRACT/AGREEMENT CHANGES:** N/A

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**STAFF RECOMMENDATIONS:** Approval.

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**TOTAL COST:** N/A

**BUDGETED:** Yes N/A No     

**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes      No      **AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty X OMB/Purchasing N/A Risk Management N/A

**DIVISION DIRECTOR APPROVAL:**

Ty Symroski  
Ty Symroski, Growth Management Director

**DOCUMENTATION:** Included X

Not Required     

**DISPOSITION:**     

**AGENDA ITEM #**

**RESOLUTION NO.    -2006**

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST FOR ADMINISTRATIVE RELIEF MADE BY EDWARD ARDUINO ON THE PROPERTY DESCRIBED AS LOT 2, STILLWRIGHT POINT PLAT #1, KEY LARGO, RE #00514350.000000. THE RELIEF IS IN THE FORM OF ONE (1) DWELLING UNIT ALLOCATION.

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**WHEREAS**, Edward Arduino submitted an application for administrative relief under Sec. 9.5-122(f) of the Monroe County Land Development Regulations, and

**WHEREAS**, the Monroe County Board of County Commissioners makes the following findings of fact and conclusions of law;

1. Edward Arduino's application for administrative relief is for Lot 2, Stillwright Point Plat #1. RE#00514350.000000.
2. The application has been in the ROGO system for at least four (4) consecutive years.
3. The Board of County Commissioners (BOCC) has the authority to grant administrative relief under Section 9.5-122(f)(6) and may grant the applicant a building allocation, offer to purchase the property at fair market value, or provide such other relief as may be necessary and appropriate.
4. The lot is not identified as being in the Conservation and Native Area (CNA), received no negative environmental points and (1) one positive environmental point.
5. Board of County Commissioners Resolution #223-2004 directs staff to identify small parcels with indigenous hammock or pinelands.
6. The subject property is not in an area of indigenous hammock or pinelands.
7. Policy 101.6.5 of the 2010 Comprehensive Plan provides criteria to be used for determining lands that are appropriate for acquisition and the criteria includes the environmental sensitivity of the vegetative habitat on the lot.
8. The subject property is zoned Improved Subdivision (IS), and is located in the Lime Grove Estates, Section #1 Subdivision and is not environmentally sensitive.
9. The applicant applied for administrative relief on August 11, 2005, under Section 9.5-122.2(f) of the Monroe County Code and Policy 101.6.1 of the 2010 Comprehensive Plan.
10. Section 9.5-122.2(f) of the Monroe County Code provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for administrative relief.

11. The Applicant has been in the ROGO system for three of the last four annual allocation periods and therefore qualifies for administrative relief.
12. The property does not qualify under criteria established by Resolution #223-2004 for purchase by the Monroe County Land Authority of small parcels with indigenous hammock and pinelands.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**

Administrative relief is granted to Edward Arduino, for Lot 2, Stillwright Point Plat #1, Key Largo, in the form of a dwelling unit allocation award, subject to the following conditions:

1. The timing of the issuance of the permit shall be in accordance with the annual number of residential allocations defined by Policy 101.2.13 of the Monroe County Year 2010 Comprehensive Plan and as required by Section 9.5-122.2(f) of the Monroe County Code; and
2. The allocation award shall be taken out of the next quarterly allocation which occurs on October 13, 2006 or next available allocation period; and
3. The assignment of a nutrient reduction credit shall be required prior to issuance of the permit.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Mayor Charles "Sonny" McCoy  
Mayor Pro Tem, Dixie Spehar  
Commissioner George Neugent  
Commissioner  
Commissioner Glenn Patton

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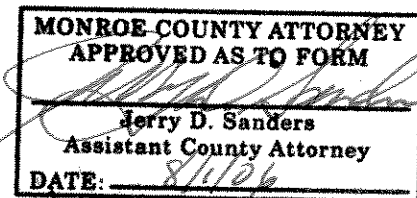
BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

\_\_\_\_\_  
DEPUTY CLERK



# County of Monroe

## Planning Department

2798 Overseas Highway Suite 410  
Marathon, Florida 33050  
Voice: (305) 289-2500  
FAX: (305) 289-2536



## Board of County Commissioners

Mayor Charles "Sonny" McCoy, Dist. 3  
Mayor Pro Tem, Dixie Spehar, Dist. 1  
Comm. George Neugent, Dist. 2  
Comm. Dist. 4  
Comm. Glenn Patton, Dist. 5

*We strive to be caring, professional and fair*

To: Board of County Commissioners  
From: Ty Symroski, Growth Management Director  
Date: July 25, 2006  
Subject: **Mr. Edward Arduino, Administrative Relief Request**  
**RE: 00514350.000000**

## **I. BACKGROUND**

The applicant is eligible for Administrative Relief having complied with all requirements of the dwelling unit allocation system and having been considered in at least three (3) of the last four consecutive annual allocation periods and having submitted their application for Administrative Relief no earlier than the third annual allocation period and no later than ninety (90) days following the close of the fourth allocation period.

**Date Entered ROGO:** April 15, 2002

**Date Entered Administrative Relief:** August 11, 2005

### **ROGO Score: 16**

*Planning:* 14

- Pts: (+10) infill, (+4) perseverance

*Building:* 1

- Pts: (-6) Flood Zone VE, (+4) Water/Energy Conservation, (+3) Structural Integrity

*Environmental:* 1

- Pts: (+1) Group 1, Disturbed Scarified

## **II. CURRENT CONDITIONS**

**Location:** Lot 2, Stillwright Point Subdivision Plat #1, Key Largo

**Owner:** Mr. Edward Arduino

**Applicant/Agent:** Mrs. Gay Marie Smith

**Zoning:** Improved Subdivision (IS)      **FLUM:** Residential Medium (RM)      **Proposed Tier:** III

# County of Monroe

**2005 Taxable Value:** \$109,305      **Purchase Price in March of 1999:** \$150,000.00

## **III. LEGAL ELIGIBILITY AND OPTIONS**

### **Eligibility for Administrative Relief Options:**

Section 9.5-122.2(f) of the Monroe County Land Development Regulations and Policy 101.6.1 or the 2010 Comprehensive Plan provides a mechanism whereby an application which has not received an allocation award in ROGO may apply to the Board of County Commissioners for Administrative Relief. The applicant is eligible for Administrative Relief having complied with all requirements of the dwelling unit allocation system and having been considered in at least three (3) of the last four consecutive annual allocation periods and having submitted their application for Administrative Relief no earlier than the third annual allocation period and no later than ninety (90) days following the close of the fourth allocation period.

### **Relief Options under Administrative Relief:**

The remedies available to an application for Administrative Relief pursuant to Section 9.5-122.2(f)(6) include issuance of 1 (one) ROGO allocation awarded, just compensation by purchase of the property, or such other relief as may be necessary or appropriate.

The subject property does not contain sensitive environmental features or any significant habitat for endangered or threatened species. It therefore does not meet the criteria established under the existing Policy 101.6.6 and Policy 102.4.2, or the proposed Policy 101.6.5 of the Year 2010 Comprehensive Plan for the purchase of property under Administrative Relief.

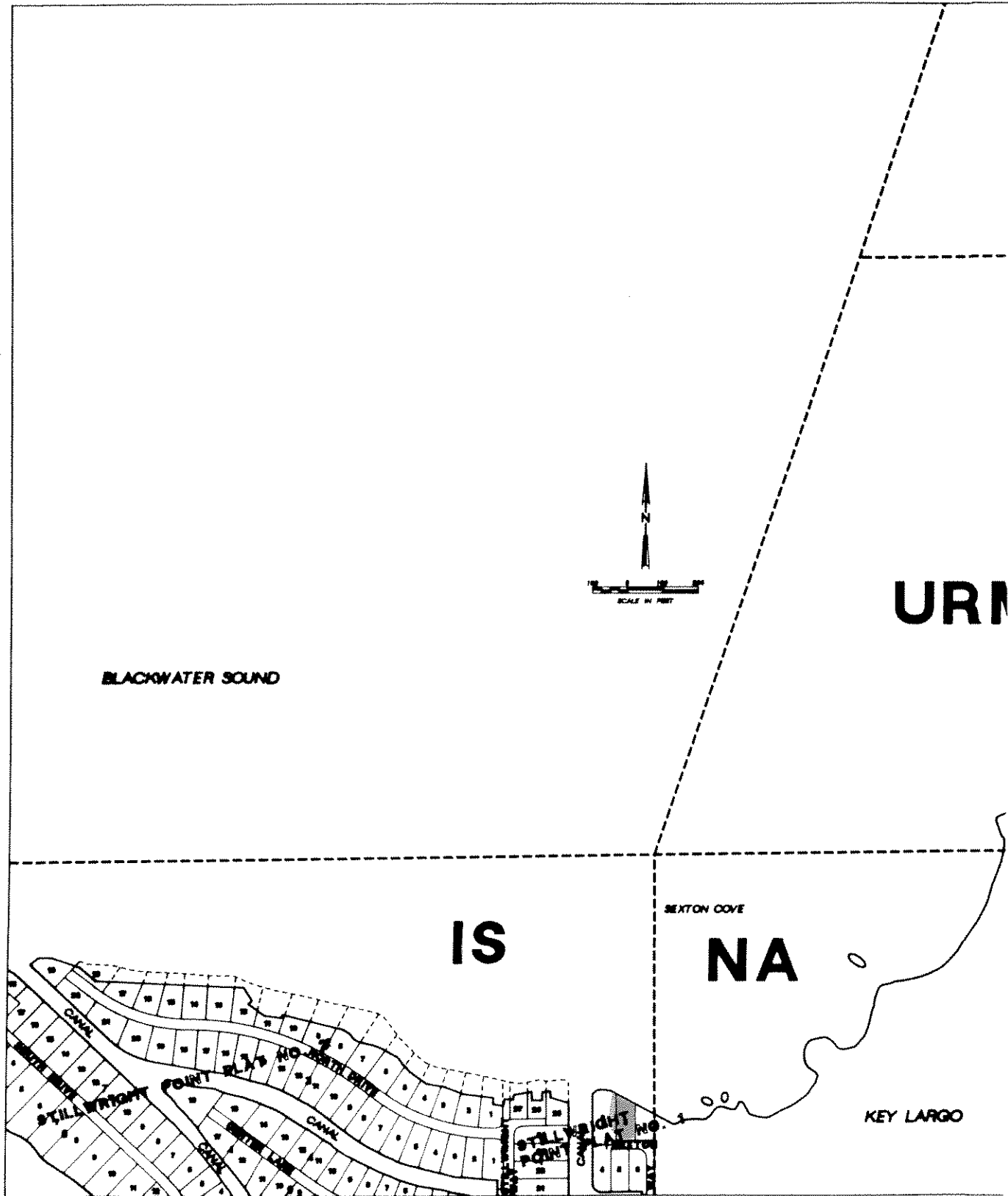
The applicant has requested administrative relief in the form of a granting of 1 (one) ROGO allocation and has not expressed a desire to sell the property to the County as provided for under Policy 101.6.1 of the Year 2010 Comprehensive Plan.

## **IV. RECOMMENDATIONS**

It is recommended that the Board of County Commissioners find that the applicant has met the criteria and qualifies for Administrative Relief. It is further recommended that a Resolution be prepared that establishes this relief awarding 1 (one) ROGO allocation in the next quarterly ROGO allocation period which closes October 13, 2006, or next available allocation period.

OVERLAY IDENTIFICATION	
PROJECT	
FILE	

**MONROE COUNTY, FLORIDA,  
LAND USE DISTRICT MAP**



OSGN	
OR	TD TRUEAX 2468 LUDS
CHK	
APVD	

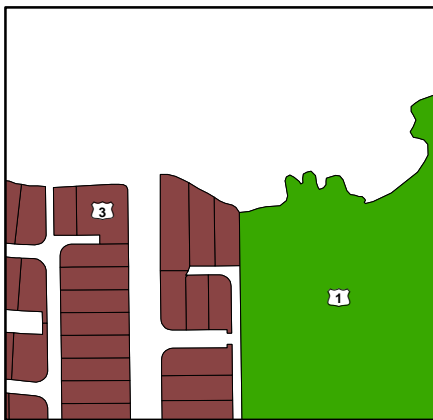
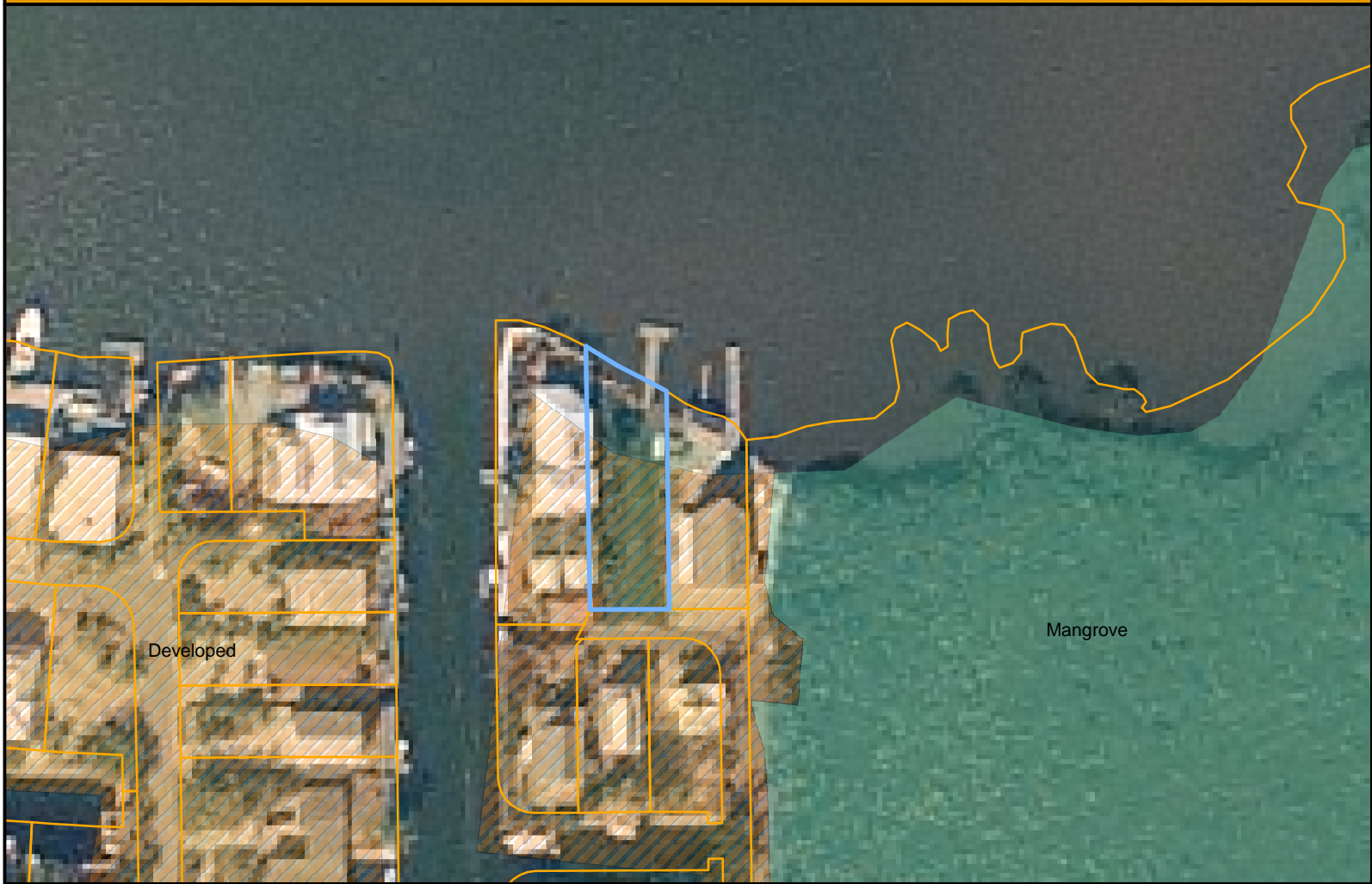
1 CERTIFY THAT THIS IS AN OFFICIAL MONROE COUNTY LAND  
2 USE DISTRICT MAP AS REQUIRED AND ADOPTED BY THE MONROE  
3 COUNTY BOARD OF COMMISSIONERS BY RESOLUTION ON APRIL 1,  
4 1988 AS PROVIDED IN CHAPTER 18 OF THE FLORIDA KEYS  
5 COMMUNITY PLAN AND LAND DEVELOPMENT REGULATIONS,  
6 VOLUME III.

7 \_\_\_\_\_  
8 DIRECTOR, PLANNING DEPARTMENT

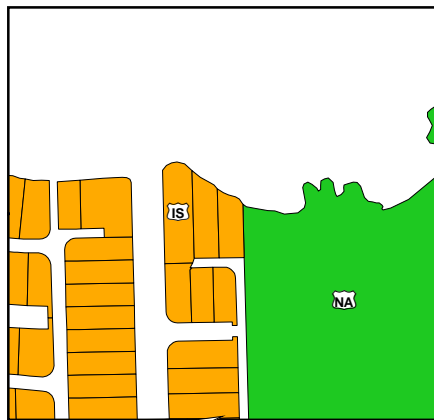
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# Habitat Evaluation: Lot 2 Stillwright Point Plat #1

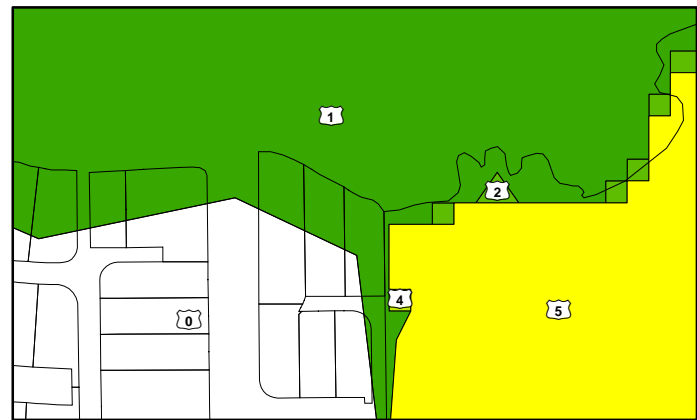
## Applicant: Arduino; RE# 00514350.000000 , Key Largo



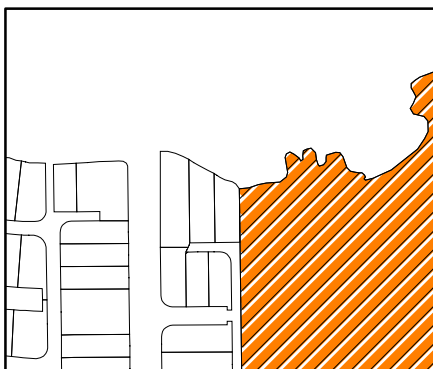
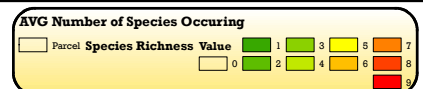
Tier Designation



Land Use Designation

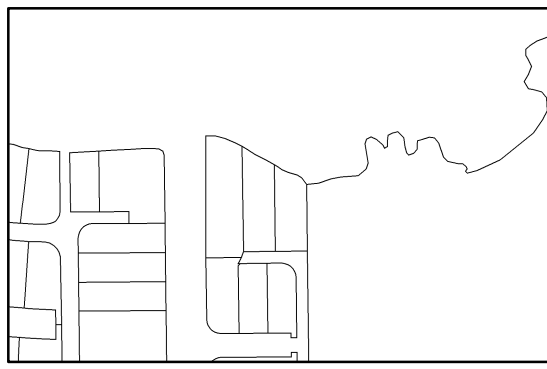


Protected Species



Florida Forever Boundary

Parcel  
FF Boundary



Keys Marsh Rabbit Buffer/Habitat

Habitat Buffer

**COUNTY of MONROE**  
KEY WEST FLORIDA 33040  
(305) 294-4641  
Environmental Resources



This map is for use by the Monroe County Growth Management Division only. The data contained herein is not a legal representation of boundaries, parcels, roads right of ways or other geographical data.

Prepared by: Andrew Omer Trivette